

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
10/22/2001

*** FILED ***
10/26/2001
CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-010127
Docket Code 019 Page 1
FILED: _____

ROBERT P HILL

ROBERT P HILL
#68207
PO BOX 3300

BUCKEYE AZ 85326-0000
v.
TERRY L STEWART, et al.

SUSANNA C PINEDA

COURT ADMIN-CIVIL-CCC

MINUTE ENTRY

This Court has jurisdiction of this Special Action pursuant to the Arizona Constitution Article VI, Section 18.

Petitioner is incarcerated in the custody of the Arizona Department of Corrections having been found guilty and sentenced on January 11, 1993, to 10.5 years for the crime of Armed Robbery, a class 2 dangerous, non-repetitive offense. Petitioner alleges that he was denied his rights of due process because the Arizona Department of Corrections has "forfeited" his earned release credits without a due process hearing. The response of the Arizona Department of Corrections makes it clear that the Petitioner has not forfeited his earned release credits; he is ineligible for earned release pursuant to the Arizona Department of Corrections Department Order 1002, Section 1002.09, due to a public risk score of 4. The Arizona Department of Corrections further alleges that Department Order 1002 has been in effect since a date prior to the Petitioner's incarceration and does not constitute an *ex post facto* application of the Arizona Department of Corrections policy.

This Court finds that the Petitioner's contentions are without merit: Petitioner is not entitled to release, he is ineligible for release. Furthermore, Petitioner's earned release credits have not been forfeited, contrary to his allegations.

IT IS THEREFORE ORDERED denying all relief requested by the Petitioner.